

**Milton Town Council Meeting
Mariner's Middle School
16391 Harbeson Road
Monday, July 12, 2010
6:30 p.m.**

1. PUBLIC PARTICIPATION portion was called to order by Mayor Newlands at 6:32 pm

- a. John Horan, 304 Brick Lane in Cannery Village: Good evening, Mr. Mayor, Ladies and Gentlemen of the Council. I've got two basic issues related to safety. One is something that has been hashed around through the Town over several years, from my understanding; and that is the road width. On the 5th of July, about 9:00 at night, one of the residents smelled gas by the propane farm. They ended contacting the State Police, who contacted the Fire Department; the Fire Department were there like that, I mean right quick; with multiple vehicles. As part of the arrival of their vehicles, they did some maneuvering of one of the vehicles and struck a P.O.V. (a privately owned vehicle); the police were called and all that was taken care of. But the Fire Chief mentioned that he was very concerned about the width of the streets. He said certainly if cars were parked on both sides, and there are egress areas where cars can park out in Cannery Village, he said on both sides, it would be damn near impossible to maneuver emergency vehicles around if, in fact, there was a fire. Even, he said, with one side, it would be a problem. As just another quick and dirty example, not so much related to safety, we did have a vehicle go through Cannery Village on Saturday and taking a corner, knock down a street sign and a stop sign. And I think that has been reported to the police. But in any event I do realize that a number of years ago the streets were approved by the powers to be. What I would like to see is this issue revisited. If a fire professional expresses concern over the safety of a community; I personally and the members of Cannery Village would certainly like to have it revisited.

Mayor Newlands: We can look into it with the Project Coordinator and the police and the fire department.

John Horan: Okay, thank you. The other issue is actually related to the gas leak. Now it was a minor gas leak. There are houses just over 25' from the propane farm. I have been told by Poores that that meets spec; it has to be over 25' from the propane farm. However, what's a minor gas leak to one, you know, if it's a little more of a gas leak and you walk by and you light a cigarette up or a lightning strike; there could certainly be some problems. Now the propane farm at Cannery Village is a temporary arrangement. They are supposed to move that to a secondary location. This temporary location has been maintained for the last five years. The reason that Poores gave me why they

haven't moved it is because the roadways going out and behind the brewery haven't been completed, he said, and they can't get their vehicles on through and lay their pipe work and their conduit and such as that. So I would just like to identify that as something that we, the Cannery Village residents are concerned with. I don't know what Chestnut Properties can do about expediting the movement. Poores says its Chestnut Properties' problem; but I'm sure they'll be some finger pointing.

Mayor Newlands: Is the location of the propane tanks supposed to be a different one than the above-ground location?

John Horan: Yes.

Mayor Newlands: Do you have any of the information at hand on this Robin?

Robin Davis: I'm not too familiar with exactly where it is supposed to be; I think the last time I looked it is supposed to be in the 3-A area, closer to Atlantic Street by the lift station. There's a storm pond there; it's the one behind the brewery.

Mayor Newlands: It's in the undeveloped area.

Robin Davis: Yes, it's in the undeveloped area right now.

Mayor Newlands: Oh, okay; no I'm just saying the location is in the undeveloped area; the new location is in an undeveloped area.

Robin Davis: If there's going to be houses close to...

Mayor Newlands: But it's undeveloped right now, though?

Robin Davis: Yes, it's undeveloped right now, yes.

Mayor Newlands: We'll have an internal discussion on this.

John Horan: I will add that Poores was out today, looking me up. They certainly are very concerned. They want to take some of the residents around and show them what goes on in the propane farm there and how safe things are.

Mayor Newlands: Did Poores leave that leak overnight without fixing it?

John Horan: They corrected it Wednesday, so they left it the rest of Monday night and Tuesday and corrected it on Wednesday.

Mayor Newlands: And you could smell gas in the street?

John Horan: I know you could smell gas Monday night; I don't know how prevalent it was on Tuesday, into Wednesday morning.

Mayor Newlands: That's my concern.

C Duby: And was it Monday night that the fire department came out?

John Horan: The fire department was extremely prompt, right to the scene.

C Duby: Did they make any determination about the safety; did they say that it was okay to leave it until Wednesday or did they know what it was?

John Horan: No, the Poores guy came out about ½ hour after the fire trucks came there and he went in and indicated it was a problem with a valve and understandably, he blamed on the excessive heat that we've

had where things are probably expanding a bit more than what they normally would.

Mayor Newlands: Right.

John Horan: And again, identified it as a minor leak.

Mayor Newlands: I think where C Duby's going on this, and correct me if I'm wrong, is who authorized them to leave it open all night?

John Horan: I have no idea. The fire crew did leave eventually, at about 11, 11:30, something like that.

Mayor Newlands: Okay, we'll follow up on this. Lieutenant, please take a note on that and we'll talk to the fire department on that. Thank you, John

- b. Lynne Ekelund, 406 Union Street: I was going through some papers that Mary was throwing out and I happen to notice that the Town signed the contract with Tidewater in February of 2007, which is about 40 months ago or 2/3 of the way into that contract with Tidewater, with the 5-year freeze for the residents on sewer rates. And I was wondering if Council could possibly invite Mr. Esposito to another Council Meeting and give us a status report as to what's going on with Tidewater. I don't want to take up time asking my questions now if Mr. Esposito could come in and explain what he's been doing over the past 40 months and what he expects to do in the next 20.

Mayor Newlands: We'll ask him. I'm not sure if he will come. We're not the Public Service Commission.

Lynn Ekelund: I understand that, but we do have, according to contract a 60 month freeze on sewer rates before he goes to the Public Service Commission. I also would like to know where he stands as far as how many homes he needs. We're 40 months into the contract and there hasn't been spade one as far as I know in digging for a new sewer plant. That brings up something else. Has Tidewater taken title of those 18 acres that were to come to the Town from Key Ventures? You're not part of it?

Mayor Newlands: Other issues.

Seth Thompson: I'm not the attorney for that, Ma'am.

Lynn Ekelund: A conflict, okay.

Mayor Newlands: They haven't as of yet.

Lynn Ekelund: They have not?

Mayor Newlands: No and it's not their fault. We'll leave it at that for now.

Lynn Ekelund: Okay. Will you be talking to Mr. Esposito? I know that when we signed the contract with Tidewater, it was expected that Mr. Esposito was going to be giving regular status reports and to my knowledge he's given one.

Mayor Newlands: I'm not familiar with his giving regular status reports.

Lynn Ekelund: I know it was before your time.

Mayor Newlands: I can talk to him. I talk to him on a regular basis. I'll bring it up.

Lynn Ekelund: Okay, great. Thank you.

Mayor Newlands: Thank you.

- c. Virginia Weeks, 119 Clifton Street: I was glad to see you are doing something about the sidewalks and I just wanted to put my two cents in. There are a couple of things. I have a newer home in Town and it's on a very tiny street, Clifton Street; and there's an ordinance in Town that says all new homes shall have sidewalks; however, we were not required to have one by Eric, the past guy. I'm asking you to change that ordinance, because not all streets are suitable for sidewalks; certainly mine isn't. If you put sidewalks on my street, cars couldn't go by; because as it is when two are passing, they go off on peoples' lawns to get by and Collier Street, Mill Street, there are streets for aesthetic reasons shouldn't have sidewalks. Speaking of aesthetics, when you get to sidewalks, I would ask you to look at contacting other historic areas to look at designs for sidewalks, because they have to meet certain requirements and you can do that with the sensitivity to the age of the houses in the downtown area. The sidewalks in Cannery Village and Wagamon's could be improved upon, not improved upon, but different for the downtown area. They are a little too new, too industrial looking for the homes in that area.

Mayor Newlands: Tell me about it. I agree with you. We have our engineer here tonight and we'll be discussing the sidewalks with our engineer.

Virginia Weeks: Because there is a lot that can be done with that. The other thing is the method of payment. I think, I hate to sound like a 5-year old, I don't think it's fair that the person has to pay for the sidewalk in front of them. I don't think somebody in this economy should have to pay \$10,000; \$9,000; \$8,000 for me to be able to walk in front of their house. I think if we're all going to enjoy the sidewalk, we should all pay for it. Thank you.

Mayor Newlands: Thank you.

Mayor Newlands: We will now close the public participation portion of this meeting at 6:43 pm.

2. Mayor Newlands called the Town Council meeting to order at 6:43 p.m.
3. A Moment of Silence was led by Mayor Newlands.
4. The Pledge of Allegiance to the Flag was said by all in attendance.
5. Roll Call was called by Mayor Newlands

C Lester	Present
C Martin-Brown	Present
C Duby	Present
C Betts	Absent
Mayor Newlands	Present
C Abraham	Absent
C Prettyman	Absent

6. Additions, Corrections and Approval of the Agenda

Mayor Newlands: Any additions or corrections to the Agenda?

Vice Mayor Betts: I would like to make one correction. It says that we are to have the Presentation and Approval of the Minutes; we approved April 29th and May 3rd, 2010 on June 7th, 2010.

Mayor Newlands: So we should remove that from the agenda?

Vice Mayor Betts: Yes.

Mayor Newlands: Any other additions or corrections to the agenda? Can we have a motion to approve the agenda?

C Duby: So moved to accept the agenda.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second. All in favor say "aye". Opposed. Motion carried.

7. Presentation and Approval of Minutes June 7, 2010.

Mayor Newlands: Are there any questions or comments?

C Lester: I just have one correction. On Page 5, the town in Virginia is spelled "Staunton", its Staunton, Virginia, if anybody tried to look that up, they would never find it.

Mayor Newlands: Any other changes to the minutes? Are there any other questions? Can we get approval of the minutes from June 7, 2010?

C Duby: I move we approve the minutes of June 7, 2010 as amended.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second. All in favor say "aye". Opposed. Motion carried.

8. Letter from the Lower Sussex Bass Masters Association

Mayor Newlands: They had a tournament here on June 5, 2010; it was attended by 231 kids and about 280 adults and they thanked us for allowing them to come into Town and have their bass tournament. That's pretty much all we can say about that.

9. Discussion on Written Committee Reports

Historic Preservation Commission

Maintenance Report

Mayor Newlands: We don't need to vote on these reports, but are there any questions, comments or concerns on these reports? If there are no questions or concerns, we'll go on to the next item on our agenda.

10. Town Managers Report

George Dickerson: Good evening, Mayor and Council. The insurance company each year audits our workmen's comp files which are our payroll records for any claims that have been made with regard to workmen's comp. We had a very favorable audit; the workplace audit will show us a credit of \$7,010 this year, so that's very good news. The invitation for bids for residential waste collection; the sealed bids; will be received. They have been advertised in the papers; they have gone out and will be received at Town Hall until 3:00 p.m. on July 22nd, at which time they will be opened and read publicly. The second quarter utility billing, water, which also has trash on it, was sent out this week; well, actually, part of last week. The total amount that was sent out for receivables was \$212,067.57 for the third quarter billing. After discussion with the Mayor, the FY 2010-2011 budget, the Budget Workshop will be on Monday, July 26th. That location has not been made yet. Did we get any confirmation today, Stephanie?

Stephanie Coulbourne: No.

George Dickerson: Not yet. The presentation will be given to the public at the August 2nd Council Meeting. Prior to that Monday, July 26th as required by Charter, the Town Manager will present a rough-draft budget to Council, which I will present so that they can have it at least a couple or three days prior to that July 26th date. Also a request was made from the Finance Committee, Mr. Lester's Committee; which he chairs, to also have that in hand, so that they can review that for any additions that they would like to make. Obviously at the workshop, the work of the Town Council will be to review those line items and discuss and make whatever changes they think are appropriate. My draft is just to try to help things along. The Public Hearing, after the August 2nd, cannot go any longer than by our charter, and then 15 days, which will be no later than August 17th, which the Public Hearing would have to be. The Employee Handbook has been slowed a little bit by the budget process. Hopefully, by early fall we will have to be given to the Personnel Committee for their review with the additional updates that we have made with that Personnel Handbook. The Town applied through the Delaware Energy Audit Grant Application to retrofit lighting; that was for several things, including street lighting. We just received notice and, in fact, Stephanie has adjusted that grant. The street lighting had to be removed from that grant request, because Delmarva Power did not get permission for those lights to be adjusted; not just to the Town of Milton; but all Towns across the State that Delmarva Power serves, they would not be a part of that program. The other part of those lightings which were lights and programmable thermostats and four other things would be Town Hall, the Police Department, the Maintenance Building and all of our well houses will be retrofitted. That concludes my report.

Mayor Newlands: That was about \$20,000 or so?

George Dickerson: Yes, about \$20,000.

Mayor Newlands: Thank you.

11. Department Reports

Public Works, Project Coordinator, Code and Police

Mayor Newlands: Are there any questions or comments? If there are no questions or comments...

12. Finance Report and Expenditures/Revenue Report

Mayor Newlands: The Finance Report, C Lester.

C Lester: Mr. Mayor, I have several things, actually to discuss tonight.

One item is about the financial statements. Within the last ten days Stephanie and I met to review the financial statements; as of May the goal was to be able to have a revenue and expenditure report available for tonight's meeting. In going through a trial balance; a trial balance is a summary of the account balances, of the various accounts, I discovered there are quite a number of errors and some of them were the same type of errors that were evident in the year end statements as presented to the outside auditor. So consequently, we don't have a statement. I just want to assure the Council and the Town that just because we don't have a financial statement, the expenditures are being examined and revenues are being tracked on a daily basis; so nothing is going to pot, so to speak; everything is being watched. It's just that the financial statements would have no value at this time. I also want to thank Stephanie as she is doing a yeoman job, because she is doing the Finance Director's job on top of hers right now. Thank you. And that brings me to my next point, over the last year or so I've had some conversations with the office of Tom Wagner, who is a State Auditor. I called him probably about a month ago and asked him to give me some names of accounting firms that we could solicit offers for for this year's audit. During the conversation I asked him, I said I know generally what the RFP should contain, but I was looking for a firm guideline and I was looking on the website of the American Institute of CPA's and I had some information and the State Auditor has offered, did offer, his assistance in preparing a Request for an Audit. They prepare the paperwork, they send it out and they would help us interview the responses when they came in. So he offered to meet with the Mayor and I June 6th and we met here in Town and he brought his staff along with him and I was going through my concerns and he looked at the May statements and one of his staff people has come up with this suggestion, which we're going to go forward with for this year. In affect, there will be a two-prong audit. One will be a systems review; a complete review of how the Town operates in terms of from the inception of an invoice to the final payment of the check; how it goes through the system; and how the system works. Now the software is made by a company called Edmunds and they want to see how it flows through Edmunds Software correctly and then the next piece would be a financial audit. I

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think it's good. I, for one, have never believed that the same accounting firm should do the systems and then audit their own systems. So if we have two firms, one comes in and helps with the systems and the second firm would do the audit; it's going to be a little more expensive than we've had before; but going forward we have to know that what we're receiving every month is correct and that we're on target. As of a few days ago, Edmunds Software has offered to look at the architectural structure of their own software to see if it's working properly and I don't know if they've done that yet.

Mayor Newlands: No they haven't.

C Lester: We haven't heard from them yet.

Mayor Newlands: No, we have to contact them.

C Lester: Well, okay. And lastly, I was in touch with the Office of the State Auditor today, and it they are also in the process of preparing for the Town, an Accounting Policies and Procedures Manual, which is something that we don't have and which will cover how situations of internal control work and who does what and separation of duties, etc., so I think by the end of this year, accounting-wise, we'll be in pretty good shape; we'll have a good system in place and the Townspeople can rest assured and the Council can rest assured that the information that they're going to get is accurate.

C Duby: One of the things that I would appreciate is after this systems review is done, if we could have both a presentation to Council on the results of that review, as well as the written report; I think it will be helpful to us to have some detail on that.

C Lester: One of the things that I asked when they asked us what we wanted to see in the request and what we expected from the accounting firms was that; they come to the Council and explain exactly how it works; how we're going to move forward; and, there were some other issues that we know the Town has been lax on certainly; IRS procedures that we have not been following and I asked them if they would have a tax partner come to the Council and explain how the tax procedures work; where we've been failing and what responsibilities we have and what potential penalties there may be for not following the procedures.

Mayor Newlands: I want to clarify one thing, there is not a problem with the software, it is the way we set the software up. It's the software setup. The software is functioning properly as designed by the company; it is the way it was set up years ago.

C Lester: There was some suggestion that there was an error in reporting; there was a bug in the software; but they claim not; that the software is working as it should be.

Mayor Newlands: They are actually going to take the database from us; take a look at it; and see if what was going on with all the parameters that exist in the system; and help us clean that up.

C Lester: Exactly, so we'll be covered in two ways; one by an outside independent audit of the system; and one by the people that write the software.

Vice Mayor Betts: Thank you for your efforts.

C Lester: You're welcome.

Mayor Newlands: That's it. Thank you.

C Lester: Thank you. That's enough.

13. Old Business

- a. Discussion and possible vote to increase trash fee charged to residents to cover the increased tipping fee charged by Delaware Solid Waste Authority

Mayor Newlands: Just a background on this. The Delaware Solid Waste Authority (DSWA) raised the tipping fees; that's the fees that the trash company pays to dispose of the trash that we give them and it has gone up this year; it's going up next year and it's going up the year after that. M&T Trash did not have in their contract fee increases, so right now they're going to be eating this \$1,800 a month and it's just \$1,800 a month for the next three months (July, August and September). So they're asking us to cover that cost somehow. Is there anything else?

Stephanie Coulbourne: We're talking about the cost of passing it on to the residents and it would be a little more than \$4 extra a month.

Mayor Newlands: It would be a total of \$4-\$5 a month; if we pass this on per resident over the next quarter.

C Duby: So the \$4-\$5 is per quarter, not per month?

Mayor Newlands: Yes, its \$1,800 total a month and we have 1,200 homes we charge. We have to do the math.

Vice Mayor Betts: So it would be \$15 for the quarter.

Mayor Newlands: It should be under \$5 for the quarter, per resident.

So the choice is to have the Town pay that or pass it along to the residents. Or tell M&T Trash that under the contract it wasn't in there and we're not paying it. Those are the three choices.

C Martin-Brown: Mr. Mayor, is there a fourth way? Specifically, that the Town pay half out of their budget and the residents pay the other half so they get their \$1,800 per month?

Mayor Newlands: Well its \$1,800 per month, so it's close to \$6,000 or \$5,500 or somewhere around there.

C Martin-Brown: Over a 3-month period.

Mayor Newlands: Right. So you're making a motion to split it?

C Martin-Brown: I so move, Mr. Mayor.

C Duby: It seems to me that it is a small enough amount that if we split the cost of doing that is probably more than what it would cost for us to just pay it.

Mayor Newlands: Well the question that Mrs. Coulbourne always asks me is where are we getting the money from?

C Duby: Yeah.

Mayor Newlands: And its not that it's something that is unique. The trash fee is going to go up; so September it's going up.

C Duby: And this is factored into the RFP that we've done, I assume.

Mayor Newlands: No, we don't tell it in the RFP what the tipping fee is; they know what the tipping fees are; so they have to come out with a fee per customers.

C Duby: No, but I mean our RFP indicates what they've bid and it reflects what their costs are.

Mayor Newlands: Yes.

Seth Thompson: The RFP that's out for bid now, includes the current tipping fee increase and since the RFP is for one year and includes next year's increase as well. They already know what next year's costs will be. In fact, they know what the next three year's costs will be.

Mayor Newlands: That's been announced for three years.

C Duby: And the reason that we're doing a one year is because of the changes in recycling.

Mayor Newlands: Yes, that's correct.

Vice Mayor Betts: And it's only for one year?

Mayor Newlands: Right, we've put out the RFP for trash just for one year.

Vice Mayor Betts: For one year. And then it's up to the...

Mayor Newlands: Right.

C Martin-Brown: Mr. Mayor, I have a motion on the table that the Town pay half and the residents pay the other half. Do I have a second? Then the motion is dead Mr. Mayor.

Mayor Newlands: Do we have any other motions on the item and we don't have to push this, I mean, that M&T Trash has to eat it.

C Lester: Well, it's not in their contract.

Vice Mayor Betts: That's right.

Mayor Newlands: That's correct. If there are no other suggestions, we can move on to the next item.

14. New Business

- a. Request by Tom Tobin for the partitioning of 117 Marshall Street further identified by tax map and parcel 2-35-20.07-14.00. Applicant is requesting to change one lot into two lots.

Mayor Newlands: Please state your name and address please for the record.

Tom Tobin, 2515 Boston Street, Apt. 205, Baltimore, MD 21224 and with me is my brother, John Tobin, 182 King William Street, Newark, DE 19711: We have had the property surveyed and I believe that someone here has all the documents and the reason we are making this request is that my father and mother purchased this piece of property on Marshall Street many, many years ago. At the time, it had one

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small old, old house on it. Then my father passed away in 1964; my mother built a house in 1966 and although more than once she talked about dividing this property, even having the property surveyed at least that we're aware of; just decided not to do it. She passed away last September and everything on this property is separate now. Each house has a separate address; separate water; sewer; electric; trash; insurance; every aspect of it; except for the fact that it's two dwellings on one piece of property. So my brother and I are the executors of the estate and we are petitioning for a sub-division to divide the property so that each dwelling would sit on its own separate plot of land. We've talked with Mr. Davis and we know we're in compliance with all the setbacks. We were very careful where we drew the line. It's our intention that the family is going to retain ownership; we have no interest in doing anything other than what we've been doing since my mother passed away and the property was left to her children and we simply want to make this subdivision for our convenience, I guess, more than anything; so that's our request.

Mayor Newlands: Do we have any comments from Planning and Zoning Mr. Davis?

Robin Davis: Absolutely not.

Mayor Newlands: Just us. And all this research, Robin, was done by you?

Vice Mayor Betts: I would like to make a motion to accept the application for it to be sub-divided and approve it.

Mayor Newlands: Do we have a second?

Vice Mayor Betts: I make a motion to approve the application the property separated.

C Lester: Second.

Mayor Newlands: We have a motion and a second. All in favor aye. Opposed. Motion carried.

- b. Sidewalk repair – Discussion and possible vote for the Town to coordinate the project, including but not limited to bid solicitation, resident sign-up, potential permit waiver. Initial estimates are not larger than \$350,000. Under consideration are: individual residents contracting for repairs and receiving reimbursement; Town contributing remainder of the \$30,000 set aside for sidewalk repair. Residents must meet with Public Works to determine if small cracks can be repaired without being replaced. No grant money is available for sidewalk repair.

Mayor Newlands: Also, Scott Hoffman is here from CAFE Associates to help us along with this and Robin Davis is here, as well, from Town Hall.

Scott Hoffman: How do you want to start, I don't know. I guess I'll just do a quick history. I'll try to make a long history short. Several months ago, the Town contacted us about a sidewalk replacement

project and at that time, I believe it was the Code Enforcer that went through Town and determined areas of sidewalks that didn't meet the Town Code. The Town Code basically makes the residents responsible for repairs to the sidewalk and to the curb. So we met with Allen; we reviewed the list with him; we went out all through the damaged areas that were identified; we prepared a RFQ (what is called a Request for Quotations) to get prices for that and we also identified a number of issues that were going to come up during the sidewalk replacement. So the next thing we did is meet with the Streets & Sidewalks Committee. At that presentation, I showed photographs; I talked a lot about the potential issues with the sidewalk replacement and how it was going to be paid for, as a Public Works Project and the big thing that came out of that meeting was the decision to make sure that all of the damaged sidewalk is involved in this project. So then I met with Allen again; we went through and we added more to this pot of sidewalks to be fixed; and met again with the Streets & Sidewalks Committee; that was recently. Also, we developed costs estimates for these repairs, which are replacement of the sidewalk and Council should have those cost estimates. These were based on measured quantities that Allen and I measured and on cost estimates that he had previously received from a couple of contractors. We also built contingency factors into that, to make sure that whatever budget number is established for the project, the Town has enough money. At that committee meeting, there was a resident there and they expressed a number of concerns with the cost; which I think that there is an understanding of the Streets & Sidewalks about the cost; that they had to do replacements that they didn't think that they needed to do; and that we can't replace everyplace in Town with Town standard sidewalk. Almost none of the sidewalk that's to be replaced meets the current Town standards. So there are a number of issues with this project; notwithstanding the cost and how it is going to be paid for. So what was decided at the meeting was, we were requested to put together a letter to let everyone know, who needs to have repaired sidewalks, what those repairs were going to be, and how much they were going to cost, and offer for them to meet with Allen, or whoever from the Town Staff, to review the work and hopefully, make some of the repairs themselves so they wouldn't have to do some of these things through the Town; and therefore, hopefully, reduce the cost of the project; that's where we're at today. I sent the letter and it should be in your Council packet and then I also did a little bit of research on trying to come up with some criteria for when does a sidewalk have to be repaired. The Town Code is just very general and it says "damaged sidewalk"; so there are a lot of concerns over "what is a damaged sidewalk?" There are some throughout different places; they do have criteria and there are five different items that were potential damage that would have to be repaired and that should be in your Council

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Packet also. So that's kind of a brief history of where we are right now and I guess the discussions tonight are to try to determine if the Town would like to go forward with this project or not.

Mayor Newlands: Our ordinance states that the homeowner is responsible for the sidewalk.

C Duby: It's in the Charter.

Mayor Newlands: Sorry, it's in the Charter? Was that there two years ago, or before two years ago?

C Duby: It was there when we revised the Charter, my two colleagues can correct me, we were on the same Committee, we came to that section and I remember being stunned because I had never heard of Town's making; not that I had ever looked into it greatly; but I had never heard of Town's making resident's repair the sidewalks. I was told, and I can't remember if it was by Council or who, that in fact, this is very common in the State of Delaware, that almost all Towns do this and I don't even remember how lengthy a discussion we had about it; but I certainly don't remember it being very long and so we left it as it was, because it had always been there.

Mayor Newlands: It was always that way.

C Duby: Yes.

C Martin-Brown: As Chair of that Committee, I was basically told that that was not a negotiable item.

Mayor Newlands: Okay.

Scott Hoffman: I don't know if it's in the Charter; I can't confirm that. I do know that it's in the Ordinance.

C Martin-Brown: It is.

C Duby: It's in the Charter. I have a question that I would like to ask, because I remember many meetings about this just in the time that I've been on Council with homeowner's, with the Streets & Sidewalks Committee, present and trying to figure out how to do this and some discussion of this revolving loan possibility or whatever. How does what we're proposing now, differ from what we've had all along; which is basically what I see as sort of being between a rock and a hard place; saying to people you have to fix it, but you have to pay for it and as I recall, we discussed the idea of the Town fixing it and if they did not reimburse the Town, then we would put a lien on their property; which seemed outrageous and we were just sort of stuck in all of this.

Scott Hoffman: As far as the financial implications, I don't know what was talked about before. We got involved in this, primarily from the perspective of putting together the Request for Quotations to get a contractor to meet with Allen and confirm the quantities and to put together some cost estimates so everyone would know how much it was going to cost. As far as the financial implications, those things have been talked about, I know, for many months, but I don't know...

C Duby: Many years.

Scott Hoffman: Many years, I don't know; there have been a lot of ideas, but nothing concrete.

Vice Mayor Betts: We had talked about having a revolving... Taking \$100,000; putting it aside to repair sidewalks as it came due and then have the person, if they could not pay for it, we would use that revolving fund to help them and they repay it to the Town; but it's been talked about, George, for years, right? And we've discussed everything possible we could to try to make it easier for the Townspeople.

Scott Hoffman: One of the concerns that I expressed to the Streets & Sidewalks Committee the first time I met with them, was that once the Town enters into this contract, with a contractor; you have to pay the bill, no matter what; whether you're going to get the money from residents or not; so before you go to that step, it seems like it is prudent to figure out how it's going to be paid for; just so everybody is clear on that.

George Dickerson: Vice Mayor Betts is correct. One of the things that we had looked before also was that perhaps every homeowner did not need to repair their sidewalks. Many times in looking at this and meeting with the public and attempting to find a way to do this, so it was less costly to the taxpayer or the homeowner or the property owner; one of the issues that we had looked at before was to put a pot of money out there and hopefully, if you inventory or if you take an accounting of these people; perhaps everyone did not need to go on a payment plan, if you will; or to be financed; and it looks like, perhaps the next step, since you have a hard number, as we had discussed Vice Mayor Betts many times, that we would go ahead and see how many of those actually would need some kind of financial assistance.

Vice Mayor Betts: We were going to make a criteria of who would be qualified also to make sure that they were eligible to be in that position.

Mayor Newlands: This project has been going on way too long. It's a chess game between Town and the residents right now, as to who is going to blink and who is going to pay for this and it's just under \$350,000 for the estimates that CABA Associates got us. What I would like to do is, I want to get this thing moving along and get it done. What I was going to propose was that Town start the project, run the project; put it out for bid; contract with a concrete contractor and then have a contract if my solicitor will allow us; have a contract with each individual resident that says we're going to do this sidewalk; your sidewalk is going to cost \$9,000 and within 30-90 days of getting the sidewalk done we expect payment of the \$9,000.

C Duby: Then the question has always been what do we do, if and when they don't pay?

Mayor Newlands: That we can put into the contract; because it's a new contract.

C Duby: I know we would put it into the contract. What I'm saying is what is it that we would put into the contract; because this is the stopping point that we always had. Are we going to do this and say all of you Townspeople need sidewalk repairs; we're going to do it and if you don't pay us we're going to put a lien on your property or how are we going to do this?

Mayor Newlands: We are going to put strong language in there and each individual homeowner would have to sign that contract. They would sign up for that project.

C Martin-Brown: And if they don't?

Mayor Newlands: It's to get the best price we can out of a large project like this.

C Duby: And if they don't sign up?

Mayor Newlands: If they don't sign up, we need to get our Ordinances fixed, so that we can go out and do it ourselves and put a lien on their property. This project is not going to go away.

C Duby: I don't think there's anything in our Ordinances right now that would stop us from doing it and putting a lien on their property. The issue we had previously, in discussing this, over and over; are we willing to do that? Do we want to do that? Or do we want to say, let's just take it on as the Town and do it and change the Charter and change the Ordinances, and just do it. It's something...

Mayor Newlands: It's \$350,000.

C Duby: I know that. That's why this has not been easy. If it was \$20, we would have taken care of it a long time ago.

Mayor Newlands: Exactly.

C Duby: I don't think there's anybody... You say you want to get it moving. I don't think there's any of us or the people who are on the Council previously and are no longer; any of us who don't feel exactly the same way; the issue is there are just some tough decisions that have to be made and I think the thing that sort of, I don't know, from my perception one of the things that sort of stalled this, was that we went out and applied for this grant through the schools and got some of the work done that way.

Vice Mayor Betts: And it makes it hard on the ones that have to pay it. Some of the property owners do not have to pay and it does make a problem. I agree with Mrs. Weeks; she had a point that just because you have sidewalks in front of your house, doesn't mean that you use it all the time. So I think she had a good point.

C Duby: I do too.

Mayor Newlands: We've tried a number of avenues for grant money. There is no grant money available. We've actually been told by some of the representatives that since the homeowners are responsible for it, they will not give us grant money. So that language in the Charter has caused the problem with getting grant money.

Vice Mayor Betts: We almost had \$50,000 donated; but when they found out it was in the Charter, that it was the property owner's responsibility, then they said that they could not do that. I just don't ever remember hearing about anything... Prior to the last two years, that it was the property owner's. The Town always paid for it. But maybe they just did; you know, but it was in the Code that you pay; I thought it had been changed; but I guess it hasn't.

C DUBY: That's what we were told and the Old Charter that were given as a Committee to look at, to review, had that in it and we were told it had always been that way and that...

Vice Mayor Betts: But no one, I don't think, ever paid for it themselves until the first person I remember on Federal Street paying for it and I don't recall anytime people.

C DUBY: Seth, do you know about other communities, because again, we were told this is very common in Delaware. Are there other Towns where this is the case?

Seth Thompson: This is fairly common in terms of passing that cost along. The way your Charter sets it up, you need to provide notice to the homeowner and you need to provide notice that specifies what's wrong with it. So I don't think you need to revise your Charter, necessarily; but I think you do need to make sure your Ordinance is such that people know what the specifications are and that they are approved by Town; because they need to have the opportunity to then say; wait a second, I have my own person and he says that this meets your specifications. So, just in terms of due process, that's really how it should work. You can get the ball rolling, by providing the notice to these people and also by adopting specifications. It sounds like our Ordinance doesn't get that.

Scott Hoffman: That's why I provided this document as an example of what you might need to have; because that was a concern expressed at the last Streets Committee meeting. The party actually had another engineer there and they were talking about drainage issues and all kinds of things that are going to be problems. From Allen's perspective, it puts him in a difficult spot if he goes out to one sidewalk and says okay, this needs to be replaced; goes to the neighbor and says this needs to be replaced; then well his is more damaged than mine. Those kinds of things go on; so if there were some kind of standard; like Seth was talking about, then everybody would know what is expected.

Mayor Newlands: These are not simple cracks in sidewalks; these are crumbled up sidewalks.

Scott Hoffman: A lot of the sidewalks that we looked are beyond a doubt; there are also sidewalks that were questionable, as Allen and I walked through; and I said in order for us to protect ourselves, since its damaged, we need to put it on the list; and hopefully, the homeowner can fix it, if it is not a big deal.

C Duby: The other issue, I think, is liability. Given the Ordinance being in the Charter, what it is; if someone falls and gets hurt seriously; where's the liability? Is it the Town; is it the homeowner; is it both?

Seth Thompson: And truth be told, that's why it is written the way it is. It's to pass that liability on to the property owner.

C Duby: Exactly.

Seth Thompson: So, but the other element, in terms of looking at standards; I think it's going to be important. It's not just defining what is a defective sidewalk; it's defining what is a corrected sidewalk? So in essence, people need to know that they can't just pour one tenth of an inch of concrete and say low and behold this is my new sidewalk.

Scott Hoffman: That was also brought up at the first Streets & Sidewalks Committee meeting. I had an exhibit what showed a number of the defective areas and basically showed that there are a lot of places where you can't replace sidewalk with the Town's standard sidewalk. All along Chestnut Street, that's going to be very difficult because of some drainage issues; to put in a Town standard sidewalk. And also that gets back to the curb issue. With the old sidewalks, the sidewalk and the curb is one piece of concrete essentially. That's not the new Town standard; the new Town standard is a separate core; so that's more expensive to repair; where you might be able to get away with doing it cheaper. So that's another issue that needs to be resolved also; is do you have to replace in-kind; or do you have to replace with the current Town standard?

Mayor Newlands: Now on Chestnut Street, we were allowing the people to keep the same contour, as far as the height problem.

Scott Hoffman: We had talked about that, but there hasn't been any official decision on what's going to be allowed.

Mayor Newlands: We almost have to do that, because you wouldn't be able to have a 4" and an 8" height.

Scott Hoffman: It would be very difficult to do a replacement to the Town standard in many places.

Mayor Newlands: We would need to change what in order to allow that same height for the sidewalk, not excluding curbs; I want to keep the curbs in; but the height, so the height stays the same on Chestnut Street.

Scott Hoffman: Well, we're going to have to look at the language of the standards and see if there is anything in there that allows replacement in-kind.

Mayor Newlands: I don't know if people know this; but we're talking about 5' here; 10' there and there's going to be gaps of old and new; if the homeowner chooses.

Scott Hoffman: Right.

Mayor Newlands: I don't want to rip it all out and have it all new if they don't want it, but...

Scott Hoffman: One of the other problems is you want to be flexible to help people deal with the situation, but some places, like the corner of Magnolia and Union Streets, they were doing the whole property, so it was very easy; it made sense at that time; to put the Town standard sidewalk and curb around the whole thing. It needs to be flexible enough to deal with that situation also. That's one of the things that we really don't know. There needs to be some discussion and what does everybody agree to doing.

C Martin-Brown: Mr. Mayor, one of the issues that I haven't heard and I'm not privy to the discussion in the Street Committee, is the surface of the sidewalks. There's increasing evidence that it should be a little bit bumpy to deal with ice forming in the winter. I haven't heard anything about that. Three or four years ago, I asked, before I was on Council, that Town Hall post criteria that any contractor doing sidewalks would have to follow. So even if a person wasn't under a Town mass effort, that if they contracted on their own, the Town would provide; they would have to get a permit and the Town would provide the specs that that sidewalk contractor would have to follow in his private capacity. I haven't heard anything about it as to whether or not that's been done.

Stephanie Coulbourne: CABA Associates has provided us with specification books for contracting and there is a section in there just for sidewalks. Contractors can pay \$50 for the large book of specifications throughout or they can pay just for that Chapter by page.

C Martin-Brown: Do they know that? Do the citizens know that?

Stephanie Coulbourne: I've sold quite a few copies to contractors.

C Martin-Brown: Well, I'm concerned the citizens don't know that, so they don't say okay put this in; and they don't know that this resource, which is very important to know about, should be obtained by whoever they ask to do the work.

Stephanie Coulbourne: Usually the contractor getting the building permit will ask for the specifications at that time when they apply for the permit.

C Martin-Brown: They will.

Vice Mayor Betts: They know at the time when they get the permit and Allen and Robin, both notify them.

C Martin-Brown: Because I know one contractor that didn't apply for a permit and didn't know and didn't follow and a year later the sidewalk was a mess. That's why I'm bringing it up.

Vice Mayor Betts: I don't know of any that Robin or Allen has ever let slide by. You know.

Scott Hoffman: The other thing that kind of comes into play is that streets that are within the State right-of-way, there may be an issue, depending on what they want to do with DelDOT requiring meeting the State specifications for curb; which is the same as the Town standard; that's the reason it is that way; so you automatically meet

DelDOT standards. So we've had a couple of discussions with DelDOT about what are we going to do about these areas where it's questionable and it's probably going to take meeting with DelDOT on site to see what they're going to allow.

Mayor Newlands: Now that meeting would be per house or just a general meeting with them. You said on site.

Scott Hoffman: I would hope at the outside of the construction project, Allen could meet with DelDOT; look at all the different areas; and then they could decide what can be done. I think there are areas where repairs have been done; where it probably doesn't meet the State standard, but I'm not 100% positive; so hopefully they would work with the Town to deal with that situation.

Mayor Newlands: Do you know, offhand, how many residents we have on those streets that need repair?

Scott Hoffman: Federal Street is all State maintained and Chestnut Street is partially State maintained. Union Street is all State maintained.

Mayor Newlands: Chestnut is the worst probably, right?

Scott Hoffman: Chestnut is the worst.

Mayor Newlands: What area is State maintained on Chestnut?

Scott Hoffman: I don't know the exact...

Stephanie Coulbourne: None of it is.

Scott Hoffman: None of it is?

Stephanie Coulbourne: It's only a small portion.

Scott Hoffman: Is that correct? Where does it go to, Stephanie?

Stephanie Coulbourne: There's only a small portion on Chestnut Street from past Cannery Village, which is out of Town limits, coming into Town, right there by Reed Trucking and that's it. It stops right there; so it's a very small portion.

Scott Hoffman: So you could take Chestnut Street off the list.

Mayor Newlands: What we need to do is poll the residents again to find out how many would like to join the project; actually give them a notice; tell them what needs to be done; what the cost estimate is; and the estimate you got from where?

Scott Hoffman: Allen got two or three cost estimates from concrete contractors. That's where we put our cost estimates together. And, I know that they seem big; but the reality is you're looking at a big number. We don't want to prepare a cost estimate that is going to leave the Town short on money; because then you're going to have a two-fold problem of the resident doesn't know how much it costs and the Town has to pay more; so our estimates are hopefully conservative enough to make sure that you have a budgetary figure that is going to meet the requirements.

Mayor Newlands: It would be within a few percent one way or the other, higher or lower; when we got the primal bid?

Scott Hoffman: At this point, we are trying to be within 10%.

Mayor Newlands: 10%, okay. Ms. Betts, who did Chestnut Street between Front and...

Vice Mayor Betts: You mean near the school?

Mayor Newlands: No, the one near the firehouse; when Chestnut Street was all done by the Firehouse all the way down.

Scott Hoffman: I think that was done many years ago, CDBG Project, many years ago.

Vice Mayor Betts: Yes, it was. I thought you were talking about who was the ___ contractor, and I didn't know that.

Mayor Newlands: I think we need to go out to the residents; tell them what the cost is; see if they are willing to join a project; because it will be cheaper to have it done when we do it en mass; explain to them what we're talking about on Chestnut Street; or other streets that have sidewalks that are not compliant with our current standards, but that we will have to adopt to, because of the height of other sidewalks.

Scott Hoffman: The letter that we prepared has many of those points. I sent it to Stephanie in a Word format, so you guys can modify it.

Stephanie Coulbourne: They all have it.

Scott Hoffman: That can be modified however you like. It includes places to put the quantities and the costs, based on our cost estimate spreadsheet.

Mayor Newlands: I would like to send it out; we need to change some wording in here; but I would like to send it out to residents, to see what kind of feedback we get; to see if we can get a project going and see what size the project is and then get a cost from a contractor to see what kind of savings we have pooling it all together and just move along with the first phase of it. How many properties do we have here?

Scott Hoffman: Whew, I don't even know. Do you know how many, Allen?

Allen Atkins: No, I don't know.

C Duby: Yes, we've done this at least twice since I've been on Council and I think we've had very small numbers, but it will be interesting to see...

Mayor Newlands: I would be willing to have smaller projects if we can get one of them going and get it down; I'd rather get it done; and get it moving. If people see that it's working, they may join it.

Scott Hoffman: There's probably 50+ here; over 50, I would say.

Mayor Newlands: Allen, when you got prices, did it have ranges of how many homes that they would do.

Allen Atkins: There wasn't a range of homes; it was based on the number of bad sidewalks and the prices were based on the square footage.

Mayor Newlands: I would think we just go out and poll people and try to get a small project going. If we get 20 houses out of 50, I would be

happy. If we get that going, people may learn from this experience and say let's join the next one and we'll do a second, if we have to.
Scott Hoffman: At this point, the RFP is essentially completed with the exception of putting the final quantities in and Bob reviewing it. So, it's ready to go whenever a decision is made. The one qualifier that I would say is that on Route 5, which would be Union and Federal, there can be no work because of DelDOT rules, until September 15th. So that's probably not a problem at this point.

Mayor Newlands: It's not going to be a problem, no.

C Doby: I would like to suggest too, there's another issue that Mrs. Weeks raised in her comments, that I think is important. I would like us to at least look at the issue of whether our Ordinances match what we're doing. I had the same experience as Mrs. Weeks. We built new houses in Town, around the same time; and as she pointed out the Ordinance requires you to put a sidewalk in and no requirement was ever made of us; no one mentioned to us that we had to put a sidewalk in and we didn't. We got our building permit; we did all the paperwork that was required and it was never required. I don't know whether that's still the case; whether we're not requiring people to do that; but if we're not; then let's take it out of the Ordinance. There may be some other things like, that we're not...

Mayor Newlands: I think that needs to be addressed on a street by street basis. Some streets can handle them and some can't.

C Doby: Then our Ordinance should say, depending on what street you're building on, you may or may not require a sidewalk.

Mayor Newlands: That's true.

Stephanie Coulbourne: The Council actually had a resident come before them building a new house and had passed a motion that they did not have to build their sidewalk, unless sidewalks were on the rest of the street; which was Bay Avenue. They did not want to install a sidewalk just on their small portion that went nowhere. So Council had made the approval that they would have to add their sidewalk, if at any point Bay Avenue got sidewalks down the rest of it.

C Doby: That makes sense.

Vice Mayor Betts: But Bay Avenue did put in sidewalks on the new Luther Gardens. They made them put sidewalks in.

Stephanie Coulbourne: This was an individual house on Bay Avenue, that you said did not have to have a sidewalk when they built the new house.

Vice Mayor Betts: But what I'm saying is they did make Luther Gardens put sidewalks in. Right, yes. They did require that.

C Lester: On those streets that don't have sidewalks right now; does the Town have the right by eminent domain to take some of the land on either side of the street and put a sidewalk and then that would not affect the width of the road?

Seth Thompson: In essence go through a condemnation proceeding?

C Lester: Right, exactly.

Seth Thompson: You could do that, you would then have to pay just compensation obviously; and that takes some time.

C Lester: I know in some places, and I don't know how it works in Delaware, or here in Milton, where we used to live, the County had the right to 20' of our frontage; so if they wanted to come along and do something; they didn't have to pay us.

Seth Thompson: We have a right-of-way.

Mayor Newlands: And if you do that on Mill Street, you'll be on the front stoop. On some streets, you will be on the front steps, definitely.

C Duby: Or beyond.

Mayor Newlands: Seth is letting me know that we should do a vote to accept the report.

Seth Thompson: The Town Council based on your Charter, you need to make a determination that the sidewalks need repair; and that triggers the ability to then send the note. So, in essence, if the Council wants to accept the that has been supplied as these homes being deficient in terms of their sidewalk condition, that's what we need to do to go forward so we can send the notes.

C Duby: I make a motion that we accept the report from CABA Associates determining that there are sidewalks in Town limits that need repair and that we proceed to issue notices to those homeowners.

C Lester: Second.

Mayor Newlands: We have a motion and a second. Any further discussion? All in favor say aye. Opposed. Motion is carried.

c. Discussion of opening a Farmer's Market in Town for 2011

C Lester: Mayor and Council, I've been scouting around for some not to unique, but ways to promote the Town itself and to bring people into the Town and one of the thoughts I had was this Farmer's Market. Now I spoke to Mrs. Kelli Steel who heads up the Farmer's Market Group, I don't know what else to call it; and she helps organize all of the various markets around the State; there are about 14 or 15 of them right now. In order for us to go forward in that conversation, first I need a sense of the Council, that they approve us to go forward. I don't believe; I'm almost positive, it doesn't cost the Town any money; but it will be a Town-promoted event. It would be the Town of Milton's Farmer's Market. She asked me to ask the Council for their approval for us to go ahead in discussions and then she will come into Town and we'll talk about and then, in turn, Mrs. Steel, will go out to the various farmers and other people, vendors and see if they're willing to come to Milton and we'll have to find a day; there's a lot of overlapping days. Georgetown has theirs on Friday afternoon and Lewes has theirs on Saturday morning; but overall I've seen two sets of numbers on the gross sales of the markets last year. One was \$1.9 million and the other was \$1.1 million. All the markets in Delaware.

And those are one day markets and that's pretty revenue and it's enticing, I'm sure for farmers and other vendors, bread vendors and meat vendors, etc.; and we could hopefully, tie in other events with the Farmer's Market, once we have people in Town. We can get them into Milton, walk them into Milton.

Vice Mayor Betts: Where were you planning on holding the Farmer's Market?

C Lester: Well, Mrs. Steel first said at the Memorial Park, where we have the gazebo, but in talking with a couple of people in Town; I think it would be best if it was in Town, possibly if we could use the lot that Mr. Draper owns, next to the Historic Society; that's a nice open lot; there's parking there; possibly on the parking lot, that I believe Mr. Star owns right now; if we rent that from him; that would be good; that would bring people into Town. I don't think we want to take people behind the Library and away from the Town; we want to keep them, if they are going to come into Town; we want to keep them in the center of Town; maybe they could go to one of the restaurants, etc. and go to the museum and give us something to build on. I think this is not going to happen in one year. We may just start with a few vendors, but I've seen Lewes grow into quite a number of vendors and some of the others have grown very well; so I think it's a beginning. So all I need is for you to say go make the phone call.

C Duby: I have several questions about it and let me preface my remarks by saying; I'm a huge farmer's market fan. I go to them all the time; I love them; it promotes eating local and all of that; so I'm not nay saying this; however, two things have happened. I've thought about this and have some concerns about it, because there are some things I don't understand about in terms about the role of the Town would be and so on; and I've also gotten calls from several people who had concerns about it and so, I guess before I would support moving forward, other than just getting information; which I think is fine; there are a couple of questions that I have. First of all, I'm concerned because we've got, in Town, at least three that I know of, local businesses that sell produce and so on. Obviously they could participate in the farmer's market, but I wonder if they would see this as competing with their business. Secondly, I'm concerned that there are so many farmers' markets around here. Milford has one, Georgetown has one, Lewes has one, Rehoboth has one; I'm not sure that this would be something that would be a destination that would draw people to Town. And then, my major question would be what would be the role of the Town, in terms of this as to insurance issues, liability issues, the rules by which the market operates. I have a very good friend who is very involved for years with the Arlington County, Virginia Farmer's Market in which the County Government took a major role. It was an expenditure for them; it was County land that it was on and they had very stringent rules that they applied and the

vendors had to have insurance and liability insurance and so on. So I would want to look carefully at exactly what our role would be, both in terms of costs and so on. And then, I guess, it would be nice for us to have some sense from Townspeople whether this is something they support or not, too. So I think there's a lot of information to be gathered.

C Lester: Well, Mrs. Steel is simply going to come into Town, sit down and we'll talk about all these issues.

C Duby: We being?

C Lester: We being, well, I've made the phone call, so she's said give me a call and I'll come in and have coffee with you. I assume at least me and the Mayor would be there. All these issues can be discussed at that time. I have talked to a couple of people; one in particular is a local vendor and I said would you participate and he said probably not; but it's a one day event and I don't think people come in one day and buy some bread and some meat and some vegetables and are going to put somebody else out of business; for one day. I don't think that's going to happen. And if it's a way just to get people in Town, we have 2,000 some odd people that live here, if we could get the majority of those to come downtown instead of going somewhere else that would be successful.

Mayor Newlands: Mrs. Steel, she talks to all these farmer's, is that correct?

C Lester: She runs the entire program.

Mayor Newlands: She runs it; so they...

C Lester: She runs the whole program.

Mayor Newlands: So they are the ones at risk financially, because they are the ones coming down here.

C Lester: Well that would be the first hurdle if she can't convince enough people to say yes, I'll take a chance on Milton; then the issue is moot.

Mayor Newlands: Right. So they just want to know from Town, if we're willing to host them.

C Lester: If we would host it and at least start the conversation; that's all she needs to know from us tonight.

C Martin-Brown: It would be nice, with all due respect if, in fact, if you open the dynamics, so it wasn't a discussion, just with you, Mr. Mayor and a member of Council; but remember we did that Main Street, where the public was all invited in and everybody could ask questions. If she was here and people from the whole Town were invited to come together and have a discussion and explore.

Mayor Newlands: That's fine.

C Lester: We can do that; I can ask if she'll come in.

C Duby: I think particularly some representatives of the Economic Development Committee should be invited to the discussions and obviously open it to the public, but particularly get some of those folks

and if there is going to be discussion about it being in the Parks; I think perhaps members of the Parks Committee, just so that there is more input and so that people have an opportunity to ask questions about it.

C Lester: Well, that's fine, I'll ask her if there's an evening when she could have time on a Council Meeting. What I was really hoping to see, as I've looked at the Town over the last 3 or 4 years, it's become very bureaucratic; we have Committees that have Committees that have sub-Committees. I was kind of hoping we would do this with a group of volunteers that are willing to spend their time and not go through that government process; the good old Washington, DC process; we don't need that; we've had that and we've not gotten anywhere.

C Doby: I don't think it's bureaucratic to open a meeting to the public who are your potential customers.

C Lester: I'm not saying that's bureaucratic; I'm just saying keep it away from Committees and sub-Committees.

Mayor Newlands: How much lead time does she need to get the people together?

C Lester: She's not even thinking about this until next spring; so it's probably going to take her a couple of months or so.

Mayor Newlands: I would like to, instead of having a separate workshop for that alone; I would like her to at least do a presentation at a Council Meeting in the beginning during Public Participation section.

C Doby: I don't think we need to make it either a Council Meeting or a Workshop; just say we're going to have a public meeting about this; everybody is invited; this person is coming; when the Economic Development Committee had a public meeting with somebody coming down from the State Economic Development Office, they just had a separate meeting here at Mariner Middle School and everybody interested could come. It doesn't have to be under the auspices of a Council Meeting or a workshop or a committee meeting or I don't know of any sub-committees, Mr. Lester, or a sub-committee meeting. I'm not suggesting bureaucracy; I'm suggesting opening it up to the people who would be the potential vendors, customers, etc.

Mayor Newlands: Well, Ms. Steel has the experience, so let's find out how she did it in Georgetown; how she did it in Lewes and see how that got presented to the public and follow her lead on this one.

C Lester: We just need to be aggressive and make a move. If I might just mention that this past weekend a group of ladies opened up an antique shop in the old post office downtown and I don't know if anybody has been there; my wife and I went in there and she bought something right off the bat. What's interesting, one of the ladies is an entrepreneur from Lewes who came into Milton; all we've heard of recently is people leaving Milton and going to Lewes; this is a big

change and I was just hoping; this is a shot in the dark; maybe there are other things we can do; but it certainly is worth pursuing.

Vice Mayor Betts: It doesn't hurt to try.

C Duby: No, not at all.

C Lester: And beyond that, when you talk about location, the partner in charge of our shopping center has even offered his parking lot if we would need to do it.

Mayor Newlands: We don't have on here for any kind of vote right now; so what we can at least ask you to call her.

C Lester: If it's okay for me to call here and then I'll set up a time.

Seth Thompson: C Lester I've always been of the opinion that any Council Member can ask to have something placed on the agenda; so that would be my recommendation; and I would just want to make it abundantly clear, that if it involves Town business; we need to follow the FOIA Act; so if there is going to be more than two of you, and you have a quorum, we need to notice it.

C Lester: Okay.

Mayor Newlands: Thank you.

15. Executive Session: Discuss Personnel Issues

Vice Mayor Betts: I make a motion to go into Executive Session.

C Duby: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session at 7:53 p.m. All in favor aye. Opposed. Motion is carried.

C Duby: I move we come out of Executive Session.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session at 8:52 p.m. All in favor aye. Opposed. Motion is carried.

16. Adjournment

Vice Mayor Betts: I make a motion we adjourn at 8:52 p.m.

C Duby: Second.

Mayor Newlands: We have a motion and a second. All in favor say "aye". Opposed. Motion carried.